

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**AMERICAN TOWERS LLC AND
AMERICAN TOWER MANAGEMENT,
LLC,**

Plaintiffs,

vs.

MARY HELEN LOPEZ,

Defendant.

NO: 2:16-cv-00424

PLAINTIFFS' REQUEST FOR CLERK'S ENTRY OF DEFAULT

Plaintiffs American Towers LLC and American Tower Management, LLC (“Plaintiffs”) file this Request for Clerk’s Entry of Default under Rule 55, Fed. R. Civ. P., and state:

1. Defendant Mary Helen Lopez (“Defendant”) did not timely file an answer or other responsive pleading by December 6, 2016, and therefore, Plaintiffs request that the Clerk enter default against Defendant.
2. Plaintiffs filed their complaint on October 6, 2016. (Doc. 1).
3. Defendant executed a Waiver of Service of Summons on October 28, 2016. (Doc. 4). Based on the Waiver of Service of Summons, Defendant’s deadline to answer was December 6, 2016.
4. The Clerk of the Court may enter default against a party who has not filed a responsive pleading or otherwise defended the suit in accordance with the rules and that fact is made to appear by affidavit or otherwise. FED. R. CIV. P. 55(a); *New York Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996).

5. The Clerk should enter default against Defendant due to Defendant's failure to timely answer or otherwise appear in this action. Defendant's failure to timely answer or appear is demonstrated by the Court's docket sheet. Specifically, the Waiver of Service of Summons establishes that Defendant's deadline to answer or file a responsive pleading was December 6, 2016. (Doc. 4). The Court's docket sheet also establishes that Defendant has not answered or otherwise appeared.

6. Plaintiffs respectfully request that the Clerk enter a default against Defendant Mary Helen Lopez pursuant to FED. R. CIV. P. 55.

Respectfully submitted,

By: /s/ David L. Swanson

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